

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: EQUIFAX, INC., CUSTOMER
DATA SECURITY BREACH
LITIGATION

MDL DOCKET NO. 2800
CASE NO.: 1:17-MD-2800-TWT

CONSUMER ACTIONS

**APPLICATION OF MELVIN HOLLOWELL FOR APPOINTMENT
TO THE CONSUMER PLAINTIFFS' STEERING COMMITTEE**

Melvin Butch Hollowell of The Miller Law Firm, P.C. hereby respectfully submits this Application for Appointment to the Consumer Plaintiffs' Steering Committee:



I would like to first introduce myself. My name is Melvin Butch Hollowell, the Managing Partner of The Miller Law Firm P.C.'s Detroit Office ("Miller Law Firm" or the "Firm"), and I represent the plaintiff in the *Bakko* consumer class action complaint (E.D. MI Case No. 17-cv-13992). I respectfully apply to serve as a member of the Plaintiffs' Steering Committee for the consumer track. In the event this Honorable Court prefers to appoint law firms, we request that the Court considers this application on behalf of The Miller Law Firm.

I am willing and able to immediately give the commitment necessary for effective leadership and stand willing and able to serve in this case. As a graduate of the University of Virginia School of Law, and a former member of the N.A.A.C.P. National Legal Committee, I was inspired to enter the practice of law and mentored by my cousin Donald L. Hollowell, lead attorney for Rev. Dr. Martin Luther King, Jr., and the lawyer who successfully argued the case before the U.S. Supreme Court resulting in the de-segregation of the University of Georgia. I have successfully fought for consumer and civil rights throughout my career, and I have a long history with the founder of the Miller Law Firm as we debated together in high school in the late 70's.

I have significant and directly relevant experience in data breach matters that would effectively serve the needs of this action. During my tenure as the Corporation Counsel for the City of Detroit, I handled a similar matter on behalf of 1,700 current and former Detroit firefighters and emergency medical technicians in March of 2014. Malware or malicious software, known as a "Cryptolocker" virus, believed to have originated from a former Soviet state, was used to freeze access to the affected employees' personal and city computer files, including the employees' names, dates of birth, and social security numbers. The objective of the hackers is to access credit card and bank account information, similar to the facts in play here. I worked with FBI cyber security agents, and advised the Mayor and the Director of the City's

Department of Information Technology to protect the employees' information. Within 24 hours of the data breach, together with the IT Director, we held a news conference at City Hall to notify the impacted employees and the public of the data breach event in compliance with Michigan's Identity Theft Protection Act (MCL 445.72). The public notice was followed by timely written notification and credit counseling advice. In the process of determining the City's legal responsibilities for prompt disclosure, I examined state law in Michigan and in states across the country. All state laws consistently require prompt disclosure and notification to the affected parties – an issue present in this case.

Additionally, I have been recognized by my peers in Michigan and at the national level as being at the top of the profession. I was elected as a "Fellow" of the Michigan State Bar Foundation, a recognition reserved for the top five percent of Michigan lawyers; I was selected by Michigan Lawyers Weekly as a "Leader in the Law," one of the most select and prestigious recognitions in the state's legal profession; I am a recipient of the Wolverine Bar Association's "President's Award," the highest honor that can be bestowed by the organization; and I received the AV Preeminent Rating by Martindale-Hubbell. I am also a Life Member of the Judicial Conference of the U.S. Court of Appeals for the Sixth Circuit and have served on the National N.A.A.C.P. Legal Committee by appointment of the Association's Chair.

While serving as the Corporation Counsel for the City of Detroit, I was a recipient of the “Exemplary Service” award, presented by my colleagues in the City of Detroit’s Office of the Corporation Counsel, and at the end of my four-year tenure as the City of Detroit’s Corporation Counsel, the Detroit City Council presented me with its highest recognition, the “Testimonial Resolution.”

The Miller Law Firm has achieved more than \$3 billion in recoveries in MDL and other complex national class actions which required coordination with many counsel. On four occasions, the Firm has achieved the rare 100% recovery for its clients in class action litigation. I served as co-counsel with the Miller Law Firm to handle *Davidson v. Henkel of America, Inc.*, (2:12-cv-14103-LPZ-DRG), involving the loss of retirement pay sustained by a class of applicable company retirees by defendant’s failure to take advantage of available favorable tax treatment in its deferred compensation plan. We prevailed in the matter achieving a 100% recovery for the class.

Immediately prior to joining the Miller Law Firm, I completed a four-year term, from 2014-2018, as Corporation Counsel of the City of Detroit, the City’s chief legal officer. As Corporation Counsel, I initiated and defended, on behalf of the people of the City of Detroit, significant class action litigation in the federal and state courts. During this transformative period in the life of the City, I assumed the role of Director

of the City's 70-attorney Law Department and was lead counsel to the Mayor, City Council, City Clerk, Police and Fire Departments, and all City departments, boards, commissions and agencies. I also served as the City's chief criminal prosecutor. I managed and litigated the City's historic emergence from Chapter 9 bankruptcy, and I managed and litigated the City Police Department's emergence from 11 years of Department of Justice oversight.

There are many outstanding firms in this case. What distinguishes the Miller Law Firm is that it has the ideal blend of experience for this case as it has developed two primary practice areas over twenty years: (1) class actions; and (2) complex commercial litigation. The Miller Law Firm is ranked Tier 1 in Detroit by U.S. News & World Report, Best Lawyers, and the majority of the attorneys in the Miller Law Firm have been named Super Lawyers, a publication which lists the top five percent of practicing attorneys in each state, as selected by their peers.

We have a strong history and team in place at the Miller Law Firm to support my appointment to the Plaintiffs' Steering Committee. While our practice is national, we are considered the leading class action firm in Michigan. Over the past twenty years, we have worked with a very high percentage of the firms which are seeking leadership positions in this case. We have done so on a repeated basis which is a

testament to our ability to work co-operatively and collaboratively as a team to ensure the successful prosecution of the case.

As set forth in Exhibit A, the Miller Law Firm has served as lead or co-lead counsel in numerous complex national class actions or have had a substantial role in the prosecution of those cases. Noteworthy cases include having served as a special trial counsel in the antitrust class action, *Cason-Merendo et.al. v. VHS of Michigan, Inc., et. al.*, C.A. 2:06-cv-15601, before the Honorable Gerald E. Rosen formerly of the Eastern District of Michigan and now with JAMS (Phone: 313-972-1101); served as lead counsel in the first successful national dietary supplement class action, *Gasperoni v. Metabolife International, Inc.* C.A. 00-71255, before the Honorable Avern Cohn of the Eastern District of Michigan (Chambers Phone 313-234-5160); served as co-lead counsel in the *In Re: Refrigerant Compressors Antitrust Litigation*, MDL-2042, before the Honorable Sean F. Cox of the Eastern District of Michigan (Chambers Phone 313-234-2650) with a successful \$30M settlement; served as co-lead class counsel in *In re AIG 2008 Securities Litigation*, C.A. 08-CV-4772, which was successfully settled for \$970.5M and litigated before the Honorable Laura Taylor Swain of the S.D.N.Y. (Chambers Phone 212-805-0417), which was the highest settlement of its type in the United States in 2015; and served as co-lead class counsel and lead trial counsel in *City of Farmington, et. al. v. Wells Fargo Bank*, C.A. 0:10-

cv-04372, which was resolved on the weekend before trial for \$62.5M and litigated before the Honorable Donovan W. Frank of the District of Minnesota (Chambers Phone 651-848-1290). We were co-counsel on the General Motors Securities Class Action, which recovered \$300,000,000 for the class (CA 4;14-cv-11191, E.D. Michigan, Honorable Linda Parker, Chambers phone 810-341-7060). To date, approximately \$900,000,000 in settlements have been achieved for end payor plaintiffs in the Auto Parts Antitrust Litigation cited below.



My law partner, Sharon Almonrode, heads our Class Action Department. Her experience includes currently serving as a member of the Plaintiffs' Steering Committee in *In re: EpiPen® Auto-Injector Litigation*, C.A. 16-cv-2711 pending in the USDC Kansas before the Honorable John W. Lungstrum (Chambers phone 913-735-7320). She also recently served as Co-lead Counsel in the *Foster, et. al. v L-3 Communications EOTECH, Inc.* class action litigation in the USDC WD Missouri before the Honorable Brian C. Wimes (Chambers phone 816-512-5390), which offered a 100% recovery to the class valued in excess of \$51M. She is actively involved in all aspects of the Miller Law Firm's class action practice, including the cases involving FCA (Chrysler) identified in this letter. She has played a key role in many of the firm's most significant cases, as set forth on Exhibit A. For several years,

she has been ranked as one of the top 50 women lawyers in the State of Michigan by *Super Lawyers*. In 2016, she was recognized as one of the top five consumer lawyers in Michigan, and she was recognized as one of top 25 lawyers by Lawyers Weekly in 2011. Ms. Almonrode was recently named among the most notable women lawyers in Michigan by *Crain's Detroit Business* for 2017.



E. Powell Miller left a big firm in 1992 to begin the first substantial class action firm in Michigan. He started from scratch selling his house and car to raise \$35,000 and now leads a firm of 30 full and part time attorneys which is clearly the leading class action firm in Michigan with a national reputation. He served as Co-Chair of the ABA Sub-Committee for Multi-District Class Action Litigation and Mass Torts for a term ending in 2012. He has tried 13 cases in a row to a verdict in favor of his clients. Mr. Miller was the first plaintiff's class action attorney to be recognized by the Judges of the Eastern District of Michigan as the sole recipient of the annual Cook Friedman Civility Award in 2017. Mr. Miller has also been named one of the top 10 lawyers in Michigan for nine consecutive years from 2009-2017 by Super Lawyers Magazine and in 2010 and 2015, he was named the Lawyer of the Year by Best Lawyers in the category of Bet-The-Company Litigation. He has also been named Best Lawyer of the Year for three years. *Chambers* ranked Mr. Miller as one of

eight Michigan commercial litigation attorneys in its “band one” category. Mr. Miller currently serves as the appointed lead counsel and chair of the Plaintiffs’ Steering Committee in the FCA US LLC vehicle rollaway MDL, *In re FCA US LLC Monsotable Electronic Gearshift LLC*, C.A. 2:16-cv-02744, before the Honorable David M. Lawson of the Eastern District of Michigan (Chambers Phone: 313-234-2660); serves as interim liaison counsel for the End Payor Plaintiffs *In Re: Automotive Parts Antitrust Litigation*, MDL-2311, pending before the Honorable Marianne O. Battani in the Eastern District of Michigan (Chambers Phone 313-234-2625); serves as the chair of the Plaintiffs’ Executive Committee in *The Shane Group, Inc., et al., v. Blue Cross Blue Shield of Michigan*, Case No. 10-cv-14360, before the Honorable Chief Judge Denise Page Hood (Chambers Phone 313-234-5165); and is co-lead counsel in *Samaras v Fiat Chrysler Automobiles N.V., et.al.*, a securities class action also pending before the Honorable Linda V. Parker (Chambers Phone 810-341-7060).

The Firm also has distinguishing attributes that effectively serve the needs of this case. The firm operates with zero reliance on debt even though we have a significant class action and contingency practice. We have a firm policy to never utilize third party litigation finance firms. We are willing and able to contribute the resources to litigate this matter to resolution.

Additionally, the Firm is well versed in e-Discovery management. Mr. Miller and Ms. Almonrode recently served on an experienced committee of plaintiff and defense attorneys chaired by Justice Bridget Mary McCormack to make recommendations to the Michigan Supreme Court on e-Discovery rules (Chambers phone 517-373-2582). The Firm has the ability to internally host and maintain millions of pages of documents without relying on third party vendors – resulting in significant savings in discovery costs and fees. Our participation on the Steering Committee would streamline and save costs for many of these activities.

Accordingly, based on my and the Firm's extensive relevant national experience, it would be a pleasure to be selected to the Plaintiffs' Steering Committee for the consumer track and I hope our application receives favorable consideration. We further respectfully request oral argument with respect to the foregoing.

Respectfully submitted,

Dated: February 02, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2018, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

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